

- II. Claims 31-32, drawn to a vaccine comprising xenospecific T suppressor cells, classified in Class 424 subclass 93.1;
- III. Claims 33-35 and 37, drawn to a method of inducing anergic T helper cells wherein Ts are allospecific human suppressor CD8+CD28- T cells, classified in Class 435, subclass 455;
- IV. Claim 36, drawn to a method of inducing anergic T helper cells wherein Ts are xenospecific human suppressor CD8+CD28- T cells, classified in Class 435, subclass 455;
- V. Claims 38-40 and 42, drawn to a method of generating a tolerogenic antigen presenting cell wherein Ts are allospecific human suppressor CD8+CD28- T cells, classified in Class 435, subclass 325;
- VI. Claims 38, 39 and 41, drawn to a method of generating a tolerogenic antigen presenting cell wherein Ts are xenospecific human suppressor CD8+CD28- T cells, classified in Class, subclass 325;
- VII. Claims 66 and 67, drawn to a method of determining the appearance of Ts cells wherein Ts are xenospecific human suppressor CD8+CD28- T cells, classified in Class 435, subclass 326; and
- VIII. Claims 68 and 69, drawn to a method of determining the appearance of Ts cells wherein Ts are allospecific human suppressor CD8+CD28- T cells, classified in Class 435, subclass 326.

In addition, in the event applicant elects to prosecute the invention of any of Examiner's Groups III, IV, V or VI, the Examiner also required under 35 U.S.C. §121 election of a single disclosed species of monocyte inhibitory receptor types:

- (1) ILT4 (MIR-10);
- (2) ILT2 (MIR-7); and
- (3) ILT3.

In response to this restriction requirement, applicant hereby elects, with traverse, to prosecute the invention of Examiner's Group V, claims 38-40 and 42, and species of ILT4. Claims 38-40 and 42 are drawn to a method of generating an antigen-specific tolerogenic antigen-presenting cell.

REMARKS

Applicant respectfully requests that the Examiner reconsider and withdraw the restriction requirement set forth in the September 30, 2002 Office Action. Under 35 U.S.C. §121, restriction may be required if two or more independent and distinct inventions are claimed in one application. Under M.P.E.P. §803, the Examiner must examine the application on the merits, even though it includes claims to distinct inventions, if the search and examination of an application can be made without serious burden.

The inventions of Groups I-VIII are not independent. Under M.P.E.P. §802.01, "independent" means that there is no disclosed relationship between the subject matter claimed. The inventions of Groups I-VIII are drawn to suppressor T-cells (T_s) and uses thereof. These suppressor T-cells can be